RECENT IMPORTANT DECISIONS.

ADVERSE POSSESSION—COLOR OF TITLE DEPENDING ON GOOD FAITH.—Where a party claimed title to land by constructive adverse possession, he having made a deed to a trustee for himself of land which he did not own, occupy, or have any interest in, *held,* that his fraud had denied the deed the virtue, force and effect of color of title in his hands. *State* v. *King* (W. Va., 1915) 87 S. E. 170.

This case supports the rule that a person in possession of land under color of title, in order to have the benefit of constructive adverse possession, must have entered and held such land in good faith, believing the instrument giving him color of title to be valid. This is decidedly the majority rule in the United States. See *Reay* v. *Butler,* 95 Cal. 206; *Lee* v. *O'Quin,* 103 Ga. 355; *Ege* v. *Medlar,* 82 Pa. St. 86; *Chandler* v. *Spear,* 22 Vt. 388; *Bowman* v. *Wettig,* 39 Ill. 416; *Smith* v. *Young,* 89 Ia. 338. Dictum to this effect is found in *Wilson* v. *Atkinson,* 77 Cal. 485 and in *Baker* v. *Lessee of Swan,* 32 Md. 355. However, some courts have held that it is immaterial whether or not the adverse possessor entered the land believing in his "paper" title. See *Reddick* v. *Leggat,* 7 N. C. 39 and *Lampman* v. *Van Alystyne,* 94 Wis. 417. See note in 15 L. R. A. (N. S.) 1254-5.

BANKRUPTCY—APPOINTMENT OF RECEIVER BECAUSE OF INSOLVENCY.—A state court, upon the application of creditors and stockholders, appointed a receiver of respondent corporation. The complaint in the state court alleged, and the answer admitted, that the corporation was in imminent danger of insolvency. This ground was sufficient, under the state statute, for the appointment of a receiver. The District Court held this to be an act of bankruptcy under § 3a (4) of the Bankruptcy Act. The Circuit Court of Appeals *held* that there is no act of bankruptcy unless it is shown in the bankruptcy court that the respondent was actually insolvent, as defined by § 1 (15) at the time the receiver was appointed; and the case was remanded to the District Court to determine that fact. *Maplecroft Mills* v. *Childs et al.* (C. C. A. 1915), 226 Fed. 415.

One has committed an act of bankruptcy under § 3a (4) if "because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State * * *." The District Court held that the appointment of a receiver, either because insolvency is actual or because insolvency is imminent, is an appointment "because of insolvency." *In re Maplecroft Mills,* 218 Fed. 695. But it is generally held that inability to meet one's maturing debts is not enough; the appointment is not "because of insolvency" unless it is because, in the language of § 1 (15), the alleged bankrupt's property is "not, at a fair valuation, * * * sufficient in amount to pay his debts." *In re Commonwealth Lumber Co.,* 223 Fed. 667; *In re Val. Bohl Co.,* 224 Fed. 685; *In re Butte-Duluth Min. Co.,* 227 Fed. 334; *In re Golden Malt Cream Co.,* 164 Fed. 326; *In re Aldrich Co.,* 165